

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH, individually  
and on behalf of all others similarly  
situated,

*Plaintiff,*

v.

ROCKET MORTGAGE, LLC, a Michigan  
limited liability company,

Case No. 1:22-cv-00346-JL

*Defendant.*

**MEMORANDUM IN SUPPORT OF MOTION FOR  
LEAVE TO FILE REPLY MEMORANDUM**

LR 7.1 does not permit parties to file a reply brief in support of nondispositive motions absent leave of the Court. *See* LR 7.1(e)(2). As such, Plaintiff Richard Daschbach (“Plaintiff” or “Daschbach”) respectfully seeks leave to file a reply to address a litany of inaccurate and inflammatory statements included in Defendant’s response to his motion for leave to file a second amended complaint.<sup>1</sup> Plaintiff’s proposed reply, attached hereto as Ex. A, is narrowly tailored to the issues raised in Defendant’s response. The proposed reply memorandum and the accompanying declaration address each of the contentions raised in Defendant’s response, and clarifies the record with respect to the conferral efforts taken prior to the filing of the motion for leave to amend. Because the reply is narrowly tailored to address the issues raised in Defendant’s response and aims to provide the Court with a clear record, Plaintiff’s motion for leave should be granted.

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<sup>1</sup> During the conferral, Defendant took the position that because it does not oppose the motion, Plaintiff may not seek leave to file a reply. But the local rules permit Plaintiff seek leave to file a reply to either an objection or an opposition. *See* L.R. 7.1(e)(2). While Rocket Mortgage takes no position on the motion, it did include inaccurate statements and objections to the sufficiency of the conferral attempts and responded to the arguments raised in the motion. Plaintiff should therefore be permitted to respond to the points raised in Defendant’s response to correct the record.

Date: August 18, 2023

**RICHARD DASCHBACH**, individually and on behalf of all others similarly situated,

/s/ Taylor T. Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2023, a true and correct copy of the above papers was served upon counsel of record by filing such papers via the Court's CM/ECF system.

*/s/ Taylor T. Smith*